

OLC-78-399/4

Pro/Leg-

1 FEB 1978

MEMORANDUM FOR: Office of Legislative Counsel

ATTENTION:

FROM:

Acting Director of Security

SUBJECT: Title II - Proposed Charter Legislation

1. The Office of Security has reviewed the latest draft of Title II, received on 31 January 1978, and, in general, finds this version an immensely improved and simplified document in comparison to the previous draft. We do, however, note some undesirable deletions and the persistence of some defects as outlined below:

a. Section 204(b)(4) - The definition of National Agency Checks would cause delays and impose a special control factor on what is a long-established, routine investigative process, by limiting the initial checks to the agencies cited. The choice of certain other sources such as the Immigration and Naturalization Service or General Services Administration files would, in many cases, be made at the outset based on the available biographic data. We suggest the following modification which will allow the present system to continue and, at the same time, allay any fears of a shotgun assault on all government files. After "State Department" substitute:

"and the central files of other Federal agencies only when specific biographic or other data indicates the likelihood of the existence of pertinent information there."

We also suggest that "the central files" of the Central Intelligence Agency and the State Department be changed to "the files".

b. Section 205(a)(3), page 8 - The reference should be to Title VI vice IV.

c. Section 211(b) - We continue to feel that if the intent is to permit investigations without consent under the condition cited, the text could be phrased with greater clarity.

d. Section 220, page 20 - We strongly protest the deletion from this section of the special police powers and firearms-carrying authority contained in the previous draft. The special police powers would resolve the long-troublesome question about the extent of our authority and ability to protect such installations as the domestic training sites where we do not utilize Federal Protective Officers. The firearms authority is crucial to our mandate to protect the Director and other individuals, such as defectors.

e. Section 253, page 37 - Our greatest concern is caused by this section, which would seem to prohibit our domestic investigative activities. We have previously noted the fact that all titles reviewed thus far have failed to provide any authority for the basic investigative activities of the Office of Security. This section, in limiting "domestic security" investigations to the Departments of Justice and Treasury, would have a devastating impact unless the term "domestic security investigation" is meant to have a more narrow construction. We urge clarification of this issue.

f. Section 261 - We are still curious as to whether this section would grant a spy or terrorist protection from the scrutiny of an intelligence agency so long as he used his lawyer as a conduit for his activities.

cc: Executive Officer, DDA

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Title II - Proposed Charter Legislation

FROM:

EXTENSION

NO.

Acting Director of Security

DATE

1 FEB 1978

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. OLC
Attn: [redacted]
6C-19, Hdqs.

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